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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:) Docket No.: 4258-118
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Applicants: FABRE, Myriam, et al.) Conf. No.: 6057
)
)
Application No.: 10/563,033) Art Unit: Not assigned yet
)
Date Filed: December 30, 2005) Customer No.: 23448
)
)
Title: METHOD OF STORING AND/OR TRANSPORTING IN VITRO CELL CULTURES)
)

FACSIMILE TRANSMISSION CERTIFICATE
Fax No. (571) 273-8300

I hereby certify that this document, along with any enclosure(s) identified herein, is being filed in the United States Patent and Trademark Office, via facsimile transmission to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date specified below, to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

24 Pages

Number of Pages (including cover)

 Steven J. Hultquist

September 7, 2006

Date

**SUBMISSION OF DECLARATION AND POWER OF ATTORNEY DOCUMENT AND
 PETITION FOR ACCEPTANCE OF DECLARATION AND POWER OF ATTORNEY
 EXECUTED BY INVENTORS ON BEHALF OF THEMSELVES AND NON-SIGNING
 INVENTOR UNDER 37 C.F.R. § 1.47 IN U.S. PATENT
 APPLICATION NO. 10/563,033**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

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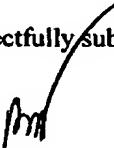
4258-118

Sir:

Enclosed and submitted herewith is a Petition for Acceptance of Declaration and Power Of Attorney, and a Declaration and Power of Attorney, executed by inventors on behalf of themselves and a non-singing inventor (37 C.F.R. 1.47(a)) for the above-identified U.S. Patent Application No. 10/563,033. Also enclosed is a Credit Card Payment Form authorizing the amount of \$65.00 to be charged for payment of the post-filing fee.

The Commissioner is also hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 08-3284 of Intellectual Property/Technology Law.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

INTELLECTUAL PROPERTY/
TECHNOLOGY LAW
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4258-118

Enclosures

Executed Declaration and Power of Attorney Documents [5 pgs.]
Petition for Acceptance document [16 pgs.]
Credit Card Payment Form PTO-2038 [1 pg.]

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)
09/12/2006 LLANDGRA 00000052 083284 10563033)
01 FC:1463 200.00 DA)
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23448

PETITION FOR ACCEPTANCE OF DECLARATION AND POWER OF ATTORNEY
EXECUTED BY ASSIGNEE ON BEHALF OF NON-SIGNING INVENTOR UNDER 37
C.F.R. § 1.47(b) IN U.S. PATENT APPLICATION NO. 10/563,033

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Your Petitioner, Advanced In Vitro Cell Technologies, S.L., a Spanish corporation having offices at Barcelona Science Park, C/ Baldiri I Reixac, 10-12, Barcelona E-08028, Spain (hereafter referred to as "AIVCT") hereby petitions for acceptance of the enclosed Declaration and Power of Attorney, executed by AIVCT's designated representative on behalf of non-signing

7. The last known address of Mariana Lopez Matas is as follows:

Sra. Mariana Lopez Matas
C/ Sardenya, nº 512, 3º 1º
08024 BARCELONA

8. In consequence of its prior efforts having failed to locate the non-signing inventor, AIVCT has appointed its officer **Luis Ruiz**, [Title: Proxy], to execute Declaration and Power of Attorney and Assignment documents, on behalf of the non-signing inventor, for filing in the U.S. Patent and Trademark Office.

AIVCT therefore requests that the U.S. Patent and Trademark Office accept and grant this "PETITION FOR ACCEPTANCE OF DECLARATION AND POWER OF ATTORNEY EXECUTED BY ASSIGNEE ON BEHALF OF NON-SIGNING INVENTOR UNDER 37 CFR §1.47 (b) IN U.S. PATENT APPLICATION NO. 10/563,033."

The petition fee set forth in 37 CFR §1.17(g) in the amount of \$200.00 is enclosed in the form of a credit card authorization form authorizing charging of such amount to the credit card specified therein. Authorization also is given to charge any deficiency and to credit any excess payment to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

If therefore is requested that this Petition be granted, as aforesaid.

Respectfully submitted,

Advanced In Vitro Cell Technologies, S.L.

By: _____

Name: Luis Ruiz
Title: Proxy Holder

Date: July 17, 2006.

The PTO did not receive the following listed item(s). No credit card

FOR \$200

co-inventor Mariana Lopez Matas, under the provisions of 37 CFR § 1.47(b), based on the following statement of facts:

1. Mariana Lopez Matas (the "non-signing inventor") has with co-inventors Myriam Fabre, Sonia Gonzalez Menoyo and Roser Pagain I Esquius made an invention of the subject matter which is described and claimed in U.S. Patent Application No. 10/563,033, filed on December 30, 2005, and for which a patent is sought on the invention entitled, "**METHOD OF STORING AND/OR TRANSPORTING IN VITRO CELL CULTURES.**"
2. The non-signing inventor has assigned all of her rights, title and interest in the aforementioned invention and subject matter of U.S. Patent Application No. 10/563,033 to AIVCT, by virtue of an employment agreement dated 23/4/02 between AIVCT and Mariana Lopez Matas, a copy of which is attached herewith in Appendix A.
3. The filing and prosecution of U.S. Patent Application No. 10/563,033 is, and at all times has been, necessary to preserve the rights of assignee AIVCT.
4. AIVCT has diligently sought to obtain execution of a Declaration and Power of Attorney for the above-identified U.S. Patent Application, as well as an Assignment document in suitable form for recordation in the U.S. Patent and Trademark Office, from the non-signing inventor, but has been unable to locate her.
5. AIVCT has made exhaustive efforts to locate the non-signing inventor, including the following (see corresponding copies of documents attached in Appendix A.):
 - a) On May 11, 2006, AIVCT sent the documents of "Declaration and Power of Attorney" and "Assignment" to the last known inventor's address, by certified mail with acknowledgement of receipt, but they were returned.
In the letter AIVCT informed her that according to Spanish Patent Law, both the company and workers should collaborate to make effective the rights over the invention and related patent applications, and that they should abstain from any action that could be detrimental to such rights.
 - b) On May 19, 2006, AIVCT attempted to locate the address of the non-signing inventor in the Spanish Telephone Company yellow pages, but there was no listing under her name.
 - c) On May 26, 2006, the Applicant sent again to the last known address of **Mariana Lopez Matas**, the documents of "Declaration and Power of Attorney" and "Assignment" by certified mail with acknowledgement of receipt, but they were again returned. In the letter the Applicant informed her again about the obligation under Spanish Patent Law to cooperate in fulfilling all requirements for filing of patent application.
6. AIVCT does not know of any additional or other way to contact the non-signing inventor.